

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CANDRA CLARK,

Defendant.

CAUSE NO. 3:22-CR-131-CWR-LGI

ORDER

The Court issues this Order *sua sponte* to inform Defendant Candra Clark of her right to appeal her conviction and sentence pursuant to Federal Rule of Criminal Procedure 32(j). “If the defendant pleaded not guilty and was convicted, after sentencing the court must advise the defendant of the right to appeal the conviction.” Fed. R. Crim. P. 32(j)(1).

The Court did not inform Ms. Clark of her right to appeal her conviction and sentence in open court on January 12, 2024.¹ This Order serves to inform Ms. Clark of her right to appeal in substantial compliance with Rule 32.²

Ms. Clark is entitled to the following rights under Rule 32:

- i. You have the right to appeal any conviction and sentence you believe was illegally or incorrectly imposed.

¹ This Order is being issued the first scheduled business day following Ms. Clark’s sentencing hearing. The Court was closed on Monday, January 15, in observance of the Martin Luther King, Jr., Holiday and is currently closed due to inclement weather and hazardous road conditions.

² See *Godin v. United States*, 495 F.2d 560 (5th Cir. 1974) (finding substantial compliance with the rule governing notification of the right to appeal when a district court notified a defendant of his right via registered mail the same day as his sentencing hearing); see also *United States v. Garcia-Flores*, 906 F.2d 147, 148-49 (5th Cir. 1990) (“Our cases have never required a strict compliance with Rule 32 . . . the defendant need not be informed in open court of his right but must merely be apprised of his right to appeal in substantial compliance with the rule.”) (internal quotations omitted).

- ii. Any notice of appeal must be filed within fourteen (14) days of the Entry of Judgment or within fourteen (14) days of the filing of a Notice of Appeal by the Government.
- iii. You may ask the Clerk of the Court to assist you in preparing a Notice of Appeal, and he will do so.
- iv. If you are unable to pay the costs of appeal, you can ask this Court for permission to proceed *in forma pauperis*. This means you can have the Court waive the filing fee.
- v. You may apply for a court-appointed counsel on appeal if you cannot afford one.

Fed. R. Crim. P. 32(j).

The Probation Officer responsible for preparing Ms. Clark's Presentence Report is directed to deliver a copy of this Order to Ms. Clark. Defense counsel is also directed to deliver a copy of this Order to Ms. Clark and discuss its contents. After Counsel has delivered a copy of the Order and discussed the same with Ms. Clark, counsel shall file a notice with the Court that delivery of the Order and discussion with her client has occurred.

SO ORDERED, this the 16th day of January, 2024.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE